IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Civil Misc. Writ Petition No. 7114 (S/S) of 2001

(1) Abdul Rauf
(2) Jagdish Pyarelal .... Petitioners

Versus

Secretary, Karmik Vibhag,
Uttaranchal Shasan, Dehradun
and three others ..... Respondents

.....

Hon'ble P.C. Verma,J.

Heard learned counsel for the petitioners as well as Sri Pankaj Miglani, learned counsel for Nagar Palika Parishad Hardwar.

The petitioners are diploma holders in Civil Engineering. They were engaged in Nagar Palika Parishad, Hardwar on daily wages as Work-Supervisors but they are working as Junior Engineers. Post of Junior Engineer has been brought outside the purview of Public Service Commission in the State of Uttaranchal and it is a post under the U.P.Palika (Centralised) Service Rules, 1966. Therefore, the petitioners have become entitled to be considered for regularization under the rules known as **U.P.Regularisation of Daily Wager (Group-C post) Rules, 1998.** It is further submitted that the petitioners are still working.

Thus, the respondents are directed to consider the case of the petitioners for regularization under the provisions of said Rules within a month from the date of production of certified copy of this order.

The petition is disposed of accordingly.

Sd/-

25.09.2003
P.Singh

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Review App. No. 1539 of 2004
In
W.P. No. 7114 of 2001 (S/S)

Abdul Rauf & another …….. Petitioners

Versus

Secretary, Karmik Vibhag,
Uttaranchal Shasan, Dehradun, & others …… Respondents

Hon'ble P.C. Verma, A.C.J.

Heard Mr. I.P. Kohli, learned counsel for the petitions, Mr. Pankaj Miglani, learned counsel for Nagar Palika Parishad Haridwr and Mr. Subhash Upadhyay, learned Standing Counsel for the review petition.

This review petition has been filed Mr. K.P. Upadhyaya, Brief Holder along with delay condonation application praying for review of the order dated 25.09.2003 passed by this Court and also for condonation of delay in filing the review petition.

The delay in filing the review petition is, hereby, condoned.

In para 6 of he affidavit filed in support of this review petition, it has been mentioned that the posts of Junior Engineer is still within the purview of the Public Service Commission. Thus, the U.P. Regularization of Daily Wagers (Group-C post) Rules of 1998 are not application in the present case.

Learned counsel for the State has submitted that the rules known as Uttaranchal Regularization of Ad-Hoc Appointments (on posts within the purview of the public service commission) Rules, 2002 are applicable in the present case and not those that have been mentioned in the order under review.

In view of the aforesaid submissions, the review petition is allowed to the extent that the petitioners are entitled to be considered for regularization under the rules known as Uttaranchal Regularization of Ad-Hoc Appointments (on posts within the purview of the public service commission) Rules, 2002.

Therefore, respondents are directed to consider the case of the petitioners for regularization under these new rules within one month form today.

(P.C. Verma, A.C.J.)

Dt. 7.06.2004
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